

Your First Job



If you have a job, you have rights when it comes to your pay, your time off, your relationships with co-workers, and more! Your employer has certain obligations. Knowing your rights is the first step to making sure they're respected!

The law creates minimum standards that employers must respect. They can't offer you anything less. The conditions of your employment contract or collective agreement can be better than what the law requires, but not worse!

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Finding a Job

Applying for work

To find a job, you generally start by giving your resumé to potential employers. If an employer is interested in your resumé, they may call you for an interview.

The interviewer is not allowed to ask you questions about certain things like

- **any personal characteristics that aren't related to the job**, like your religion, origins, or sexual orientation, or
- **your political beliefs**, like how you plan to vote in the next election.



Important!

Additional rules apply if you're 16 or younger and looking for a job during the school year.* For example:

- You can't work during school hours.
- With a few rare exceptions, you can't work at night (between 11 p.m. and 6 a.m.).
- Your work can't be too dangerous or harmful to your health.

* Note: By law, students who turn 16 during the school year must continue to attend school until the end of that school year.

Employment contracts

Found your dream job? Now it's time to make it official, by signing an employment contract. Your employment contract outlines your working conditions, including

- what work you will do,
- how much you will be paid,
- how many hours you will work per week,
- when your job will end (e.g., summer jobs),
- how many vacation days you can take, or
- how many sick days you can take.

Employment contracts can be written or verbal.

In general, you can negotiate with your employer to change some of these conditions. For example, what if your employer asks you to work every Saturday, but you're only available on Sundays? You can ask for this part of the contract to be changed and see what they say. If you have any questions about your working conditions, try to find the answer in your employment contract.

If you can't find the answer in this document, the general legal rules in the *Act respecting labour standards* apply to most employees. For example, even if your employment contract doesn't say anything about sick days, this law states that workers are entitled to some sick days.



Unions and collective agreements

Some workplaces have unions. Employment unions are similar to class presidents, but in the workplace. Unions represent people who have similar working conditions. They also stand up to the employer to defend employee interests. The people represented by a union are called unionized employees.

Here are some examples of what unions do:

- Negotiate with the employer on behalf of unionized employees for better working conditions, like higher pay or more days off. At the end of these negotiations, the working conditions agreed to by both sides are written down in a document called **collective agreement**. A collective agreement is a contract between your employer and your union. It doesn't replace your employment contract, it adds to it.
- Represent unionized employees if they have a conflict with their employer.
- Declare a strike if the majority of unionized employees vote in favour of one .



With very few exceptions, you have the right to join a union. If a union doesn't already exist for your job category, you even have the right to start one yourself. Your employer can't stop you from joining a union, starting a union, or participating in union activities like meetings. Your employer also isn't allowed to attend any of these activities.

Pay

Employers must follow certain rules when it comes to your pay, like

- how much they pay you,
- how they pay you,
- when they pay you, and
- what they make you pay for yourself.

Minimum wage

The Quebec government sets the minimum wage and raises it every year on May 1. Generally, employers can't pay you less than minimum wage.

However, in Quebec, there is a slightly lower minimum wage for employees who receive tips. If you serve food or drinks to restaurant customers at their table, you will often be paid this lower minimum wage.

Important! You're not automatically considered an employee who receives tips just because you work in a restaurant. For example, you won't necessarily be considered an employee who receives tips if you work in a restaurant where people pick up their food at a counter. A fast food chain is an example of this.

If you earn tips, you get to keep this money in addition to your regular pay. For example, if you're paid \$13 an hour, any tips you receive will be added to this amount.

But don't forget that you have to report your tips as income when you file your taxes.

The tips you get are yours alone. You can share them with your coworkers if you want, but your employer can't make you do so.



La paie

Most employers have to pay you at least every 16 days. But when you start a new job, your employer is allowed to give you your first pay at the end of your first month of work. Your employer can pay you by cash, cheque, or direct deposit. Your employer must give you a pay stub every time they pay you. This is so that you can see how everything was calculated and make sure it's right.

Training time: Do I get paid for this?

Yes! If the training is mandatory, your employer must pay you for it. This is true even if the training happens outside the workplace, like in a classroom. You may still be learning, but the law says that these are working hours. If you have to go somewhere else for the training, your employer must also reimburse your travel expenses.

As an example, let's say you get a job in a coffee shop. For training, your employer may make you read the coffee machine manual and spend two shifts watching other employees work. They have to pay you for this time.



Trial period: Do I have the right to get paid even if I don't get hired?

Yes! You have the right to get paid for every hour you work during a trial or probationary period. During this period, the employer evaluates your work before deciding whether to give you the job going forward. Even if the employer decides not to hire you after this trial period, they must pay you for the time you have already worked.

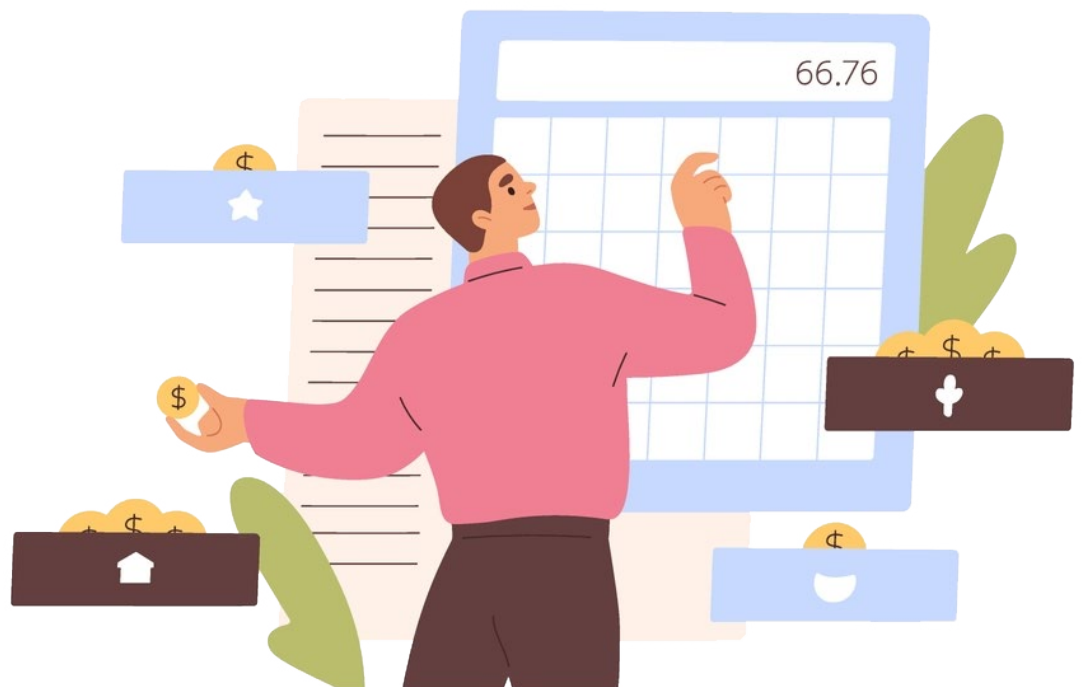
Mistakes, damage, uniforms: who pays for what?

Generally speaking, you don't have to pay for mistakes you make at work. Your employer can't take money out of your pay to make up for your mistakes. Employers have to expect that a cup or plate will break from time to time.

On the other hand, you may have to pay your employer back if you make too many mistakes at work or if you aren't careful enough. Breaking a dish here and there is understandable but breaking a dozen a day is a little less so! Everyone makes mistakes, but there are limits.

There are also rules when it comes to uniforms:

- If your employer requires you to wear a uniform that has the name of the business on it or requires you to wear an item that the business sells, they must give you this item for free. It doesn't matter how much you earn.
- If your employer requires you to wear a specific kind of outfit and you earn minimum wage, they must give you the items for free. An example would be if they require you to wear black pants or a red top.
- If you earn more than minimum wage, your employer can make you pay for a specific kind of outfit, but not if doing so would cause you to earn less than minimum wage.



Breaks, public holidays, sick days, and vacation

If you have a job, you also have the right to breaks and days off. What are the rules?

Breaks

You have the right to meal breaks!

After working for five hours in a row, you have the right to a meal break that's at least 30 minutes long. Your employer doesn't have to pay you for the meal break unless you're required to stay at your workstation while you eat. For example:

- You work in a convenience store and your employer requires you to stay at the checkout during your lunch break.
- You work as an office receptionist, and your employer requires you to stay at your desk to answer the phone during your lunch break.

What about coffee breaks?

Your employer isn't required to give you coffee breaks. If they decide to give you one, the law considers this time to be part of your working hours. This means that you must get paid for it.



Public holidays

In Quebec, the following dates are public holidays:

- Christmas Day (December 25)
- New Year's Day (January 1)

Good Friday or Easter Monday

- National Patriot's Day, also called Victoria Day (the Monday before May 25)
- Saint-Jean-Baptiste Day (June 24)
- Canada Day (July 1, or July 2 if July 1 is a Sunday)
- Labour Day (the first Monday in September)
- Thanksgiving (the second Monday in October)

If your employer gives you a day off on a public holiday, you still get paid for that day. You will receive an allowance for that day. Here's how this allowance is normally calculated:

$$(\text{your total pay for the four weeks before the holiday}) \div 20$$

For example, if you earned \$1,800 in the last four weeks, your allowance will be \$90: $\$1,800 \div 20 = \90

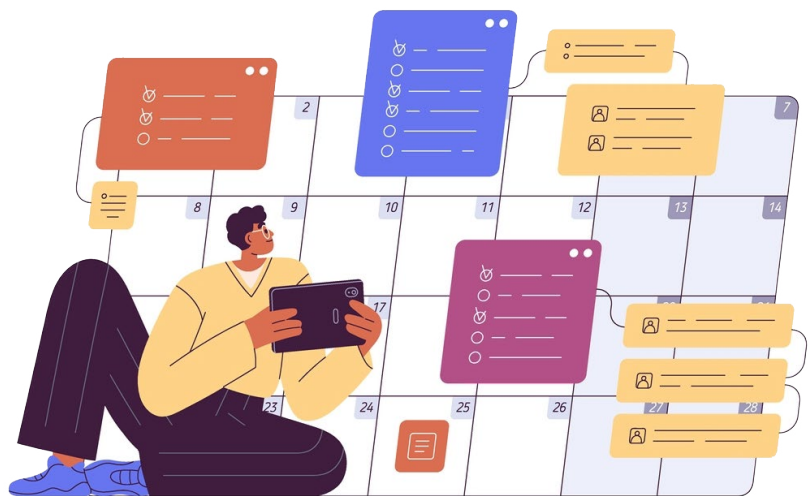
If you work full time, this allowance is equivalent to about one day's pay. If you work part time, it usually works out to a little less than one day's pay

That said, your employer doesn't have to give you a day off for public holidays. They have the right to require you to work that day.

If you have to work on a public holiday, your employer must give you your normal pay for the hours you work that day. They must also give you the allowance described above. Or they can give you a different day off and pay you the allowance on that day if they want.

Finally, if your payday falls on a public holiday, your employer must pay you on the business day before the holiday.

Important! Special rules apply for Saint-Jean-Baptiste Day. See the [Éducaloi](#) article about Public holidays for more information : [Public Holidays | Éducaloi \(educaloi.qc.ca\)](#)



Sick days

You have the right to take time off work if you're sick or hurt.

In general, you can miss up to 26 weeks over a 12-month period for these reasons. Your first two sick days are paid. The rest of your time off usually isn't paid. But your employment contract or collective agreement may include more paid sick days.

You must tell your employer you'll be absent as soon as possible. Your employer may ask you for an official document like a doctor's note as proof.

Ideally, you'll get your same job back when you come back to work. But if your position no longer exists, your employer has to offer you a similar one or compensate you for losing your job.

The law also gives you the right to miss work for other reasons, like caring for a sick relative. For more information on time off, check out the Éducaloi articles linked here: <https://educaloi.qc.ca/en/categories/work-schedule-absences/>

Annual vacation

You have the right to take paid vacation every year. The length of this vacation and the pay you receive for it depends on how many years in a row you've worked for your employer. .

If you've worked for your employer for...	You have the right to take vacation for...	Your pay during your vacation will equal...
Less than one year	One day for each month you worked, up to a maximum of two weeks per year	4% of the pay you earned the previous year
More than one year, but less than three years	Two weeks per year	4% of the pay you earned in the previous year
Three years or more	Three weeks per year	6% of the pay you earned in the previous year



Workplace harassment

At school, bullying isn't allowed. It's the same at work: hurtful or humiliating language and behaviour aren't allowed! In the workplace, this type of behaviour is called **harassment**. If it has sexual connotations, it's called **sexual harassment**.



What is workplace harassment?

In general, **harassing someone** means persistently disturbing or bothering them. The definition of workplace harassment is a little different.

Here are some questions that you can ask yourself to try and figure out if someone's words or behaviour are workplace harassment:

1. Are these words or behaviours hurtful or humiliating?
2. Are they hostile or unwanted?
3. Are they repeated? Or, if it only happened once, were they serious?
4. Do they negatively affect someone's dignity or their physical or psychological well-being?
5. Do they create an unpleasant or stressful work environment?

If you answer "yes" to all these questions, chances are that you have experienced workplace harassment. The intent behind the words or behaviour isn't necessarily important.



Here are some examples of words or behaviour that could be considered workplace harassment:

- making fun of someone's accent,
- making inappropriate comments about someone's body,
- isolating someone from the rest of the team or only giving them unimportant tasks,
- humiliating someone in front of others,
- joking about someone's sexual orientation.

Workplace harassment doesn't just happen between colleagues. It can come from other people as well, like

- an employer,
- a client, or ,
- a supplier.



What are my rights if I'm being harassed?

The first thing you should know is that employers have to protect their employees from harassment. This means they must

1. take steps to prevent harassment, like creating a policy that explains how to file a complaint, and
2. put an end to any harassment they're aware of.

If you think you're being harassed, here's where you can file a complaint:

- **If you're a unionized employee**, contact your union or the person identified in your collective agreement.
- **If you're not unionized**, contact the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST or the labour standards, pay equity and workplace health and safety board)..

The CNESST: A helpful resource

If you have any questions about your rights as an employee or think your employer isn't respecting these rights, you can contact the CNESST: <https://www.cnesst.gouv.qc.ca/en>

You can also call the CNESST at **1 (844) 838-0808**.